

May 22, 2007

VIA ECF

Hon Justice Gabriel W. Gorenstein
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007-1581

Re: Carvalho v. Pizza Hut / Target Corporation
Index No. : 07 CV 3154
Our File No. : DTS 23454
Date of Loss : May 4, 2006

Dear Judge Gorenstein:

Please be advised that the offices of the undersigned have been retained to represent Pizza Hut of American, Inc. and Target Corporation in the above captioned matter.

Initially, our offices were retained by Target. We filed and served the Notice of Removal and filed and served an Answer to the plaintiff's complaint on April 26, 2007. At that time, we included in our Answer, pursuant to 28 U.S.C. §1404, a notice that Target would request a change of venue.

On May 14, 2007, our firm was retained by Pizza Hut of America, Inc. They have since filed and served an Answer to the plaintiff's complaint. Pursuant 28 U.S.C. §1404, Pizza Hut of America, Inc. advised the plaintiff that we will seek a change of venue.

The plaintiff's Summons and Complaint was originally filed in the Supreme Court in the City of New York for the County of New York. The Summons identified the plaintiff's residence as 937 Broadway, Watervliet, New York. The plaintiff designated New York County as the place of trial based upon the residence of both defendants.

Hon. Gorenstein

Carvalho v. Pizza Hutt/Target Corp. (Index # 07 cv 3154 (DLC))

Page 2

It should be noted, that the complaint alleges that on May 4, 2006, the plaintiff was injured while lawfully within the defendant's premises located at 625 Third Avenue, Rensselaer, New York.

It appears that the plaintiff has attempted to lay venue in New York County, and by extension, the Southern District of New York, based upon the address listed for the defendants at 111 Eighth Avenue, New York, New York. 111 Eighth Avenue, New York, New York, is the address for CT Corporation System. CT Corporation System is merely the registered agent for service of process for both Pizza Hut of America, Inc. and Target Corporation.

It would therefore appear, that the Southern District of New York is not the proper venue for this matter. The accident allegedly occurred in Rensselaer, New York, the plaintiff resides in Albany County and the medical authorizations recently provided by plaintiff's counsel identified the plaintiff's treating health care providers with locations in Troy, New York and Latham, New York.

In addition to the foregoing, Target Corporation does not own or operate a retail store within the confine of New York County. In addition, Pizza Hut of America, Inc. is an operating corporation of Pizza Hut that did not own, operate, supervise, control or maintain the restaurant located within the Target Store located at 625 Third Avenue, Rensselaer, New York.

It is respectfully suggested, based upon the foregoing, that the proper venue for litigation of this matter is not the Southern District of New York. The defendants therefore request an opportunity to make a motion for a change of venue from Southern District of New York to the Northern District of New York.

Thank you for having had the opportunity to have addressed you in this matter.

Very truly yours,

JPC:jk

John P. Connors, Jr.

cc: David & Cohen, P.C. (Via facsimile 516 763-0567)
Attorney for Plaintiff
265 Sunrise Highway
Rockville Centre, NY 11570
(516) 763-6700

